

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 4TH APRIL 2007 / 14TH CHAITHRA 1929

Crl.MC.No. 1108 of 2007()

C.C.NO.141/07 OF J.F.C.M, N.PARAVUR

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PETITIONER: ACCUSED

ANTONY JOSE PANJIKKARAN, PANJIKKARAN,
H.IX-464, ELANTHIKKARA.

BY ADV. SRI.P.JACOB VARGHESE
SRI.TOM JOSE (PADINJAREKARA)
SRI.V.MANOJ KUMAR
SRI.VARUGHESE M EASO
SRI.VIVEK VARGHESE P.J.
SMT.PRAISHEEL PRAKASAM

RESPONDENTS:

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 04/04/2007 ALONG WITH CRMC.NO.1109 OF 2007, THE COURT ON
THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.Nos.1108 and 1109 of 2007

Dated this the 4th day of April, 2007

ORDER

The common petitioner is the sole accused in C.C.No.141 of 2007 and the 2nd accused in C.C.386 of 2002, both pending before the Judicial Magistrate of the First Class, North Paravur. In one case, he faces allegations, inter alia, under Section 379 I.P.C, whereas in the other, he faces allegations, inter alia, under Section 353 read with 34 I.P.C.

2. The petitioner is a person employed abroad. He finds that warrants of arrest issued by the learned Magistrate to procure his presence are chasing him. The petitioner was employed abroad and there was no wilful default on his part in appearing before the learned Magistrate. The petitioner is now willing to surrender before the learned Magistrate, but he apprehends that in view of his prior conduct of not appearing before the learned Magistrate, his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. He therefore prays that a direction may be issued under Section 482 Cr.P.C to the learned Magistrate to release him on bail when he appears and applies for bail.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. The learned Magistrate must consider such application for bail on merits, in accordance with law and expeditiously. I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

4. These Crl.M.Cs are, in these circumstances, dismissed. But with the specific observation that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

5. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-